

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
WEDNESDAY, SEPTEMBER 4, 1985

ROLL CALL

Present: Council Members - Olson, Pinkerton,
Reid, Snider, and Hinchman (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Community Development Director Schroeder, Public Works Director Ronsko, City Attorney Stein, and City Clerk Reimche

INVOCATION

The invocation was given by Rev. Darrell Thomas,
1st United Methodist Church

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Hinchman

PRESENTATIONS

Mayor Hinchman presented a proclamation honoring the occasion of the 50th wedding anniversary of Mr. and Mrs. Ben Lowenstein DeBerry.

* * * * *

REPORTS OF THE
CITY MANAGER

CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council member Olson, Reid second, approved the following actions hereinafter set forth:

CLAIMS

Claims were approved in the amount of \$401,760.54.

MINUTES

The Minutes of July 24, 1985 and August 7, 1985 were approved as written.

HANDICAP COMPLIANCE
PROJECT ACCEPTED

Council accepted the improvements in "Handicap Compliance Projects" and directed the Public Works Director to file a Notice of Compliance thereon.

Council was apprised that the contract was awarded to Diede Construction of Woodbridge on June 5, 1985 in the amount of \$42,125. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council at a final price of \$45,352.77. The difference between the contract amount and the final contract price is due to the addition of extra hardware in toilet partitions and extra work because plumbing had to be modified to provide adequate working pressure.

AWARD - CONTRACT
FOR LODI GRAPE BOWL
PAVING

City Manager Peterson presented the following bids which had been received for the "Lodi Grape Bowl Paving Project":

<u>BIDDER</u>	<u>AMOUNT</u>
Tiechert Construction	\$29,284.00
Claude C. Wood	\$30,828.00

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RES. NO. 85-116 On recommendation of the City Manager Council adopted Resolution No. 85-116 awarding the contract for "Lodi Grape Bowl Paving" to Teichert Construction in the amount of \$29,284.

PLANS AND SPECIFICATIONS
FOR POPLAR STREET WATER
MAIN APPROVED

cc 12-1-85
Council approved the plans and specifications for "Poplar Street Water Main, Washington to Priebe" and authorized the advertising for bids thereon.

PROGRAM SUPPLEMENT
NO. 23 HUTCHINS STREET,
HAM LANE AND TURNER
ROAD OVERLAY PROJECTS
APPROVED

RES. NO. 85-117 Council adopted Resolution No. 85-117 approving Program Supplement No. 23 to the Local Agency/State Agreement No. 10-5154 with the Department of Transportation and authorized the City Manager and City Clerk to execute the document on behalf of the City.

cc 12-1-85
cc 300

Council was apprised that this Program Supplement covers the construction engineering for the asphalt overlay projects on Hutchins Street, Turner Road, and Ham Lane. The estimated total cost of the project is \$416,000. The Federal contribution (Federal Aid Urban Funds) will be \$358,675, approximately 86.22% of the project. The City's responsibility will be \$57,325 which has been budgeted in the 1985 C.I.P. using Gas Tax Funds. The project will be advertised for bid this winter with construction expected to start in early spring.

AMENDED SUBDIVISION
MAP FOR WHISPERING
OAKS, UNIT NO. 1,
APPROVED

cc 4-1-85

Council approved the Amended Subdivision Map for Whispering Oaks, Unit #1, Tract 1924, and directed the City Manager and City Clerk to execute the subject map on behalf of the City.

Council was apprised that the Matthews Company, developer of this subdivision, earlier furnished the City with improvement plans, agreement, guarantees, insurance certificates and necessary fees for the original map. During construction it was determined that 40-foot lots were not in the best interest of the developer and he obtained approval of the Planning Commission and the various utilities for the amendment to convert the subdivision to 50-foot lots. Some additional fees have been required which have been paid.

The subdivision is located on the north side of Century Blvd immediately east of the Woodbridge Irrigation District Canal and contains a total of 100 single family lots instead of the 120 originally platted. Construction has been underway for some time and they expect to have the subdivision ready for acceptance at the next Council meeting.

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1985-86 TRANSPORTATION
DEVELOPMENT ACT CLAIM
APPROVED

RES. NO. 85-118

Council adopted Resolution No. 85-118 approving the City's 1985-86 Transportation Development Act Claim for Local Transportation Fund (LTF) and State Transit Assistance (STA) and authorized the City Manager to execute the subject document on behalf of the City.

Council was informed that the City's 1985-86 TDA Claim requests all of the 1985-86 STA apportionment amounting to \$63,274 and all of the LTF apportionment which amounts to \$761,140.

This year it is estimated that we will use approximately \$94,715 of LTF money for the Dial-A-Ride system. This includes \$12,500 to be used on a new vehicle. Because the STA apportionments are getting less each year, it requires more of the LTF apportionment to fund the transit system.

The LTF portion of the claim includes all of the projects which are being considered for construction during the next fiscal year. Showing these projects in our claim allows us the flexibility to use TDA funds if the projects are included in the City's 1986 Transportation Improvement Project. It does not approve these projects for construction. Project approval will be by Council action in December 1985. The pedestrian/bicycle apportionment will be used to complete the Ham Lane Improvement project, Lodi Avenue to Elm Street. Ham Lane is a primary bicycle route in the San Joaquin County bicycle plan and meets the intent of use of that apportionment. The TDA funds are used in conjunction with other City funds for the Transportation Improvement Program and also the maintenance of our streets.

AGREEMENT WITH LODI
GRAPE FESTIVAL AND
NATIONAL WINE SHOW
FOR USE OF THEIR
FACILITY

RES. NO. 85-119

Council adopted Resolution No. 85-119 approving the Lease Agreement with the Lodi Grape Festival and National Wine Show for use of their facilities by the Recreation Department and authorized the Mayor and City Clerk to execute the subject document on behalf of the City.

UPDATE ON PAYMENT
OF ABATEMENT CHARGES
FOR PARCEL AT 205
FLORA AVENUE

City Clerk Reimche reported that the property owner of the parcel at 205 Flora Avenue, Lodi, CA had passed away and that his wife presently is a patient in a Galt convalescent hospital. The estate is presently under the control of the Public Conservators Office in Stockton. In a telephone conversation with that office they advised that if the \$250.00 bill for the removal of the weeds on the subject parcel was sent to

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their office it would be paid from the trust account for the Endicott estate. The bill was forwarded to the Conservators Office on August 27, 1985.

AGREEMENT FOR REMOVAL
OF ABANDONED VEHICLES
APPROVED

Council was apprised that, for the past three years, the City has had an agreement with DEBCO Towing of Stockton to remove abandoned vehicles from private property. At the end of the franchise the City was contacted by a local firm asking that they be considered for this work.

Council approved a Franchise Agreement for removal of abandoned vehicles on private property with Guthrie, Inc., of Lodi and authorized the City Manager and City Clerk to execute the subject Agreement on behalf of the City.

SUBDIVISION
IMPROVEMENTS
APPROVED BY
COUNCIL

Council approved the following subdivision improvements:

- a) Whispering Oaks, Unit #1
- b) Noma Ranch

PUBLIC HEARINGS
PERMIT PARKING
AREA OF CANNERY

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hinchman called for the Public Hearing to seek community input regarding the adoption of policy guidelines for the designation as to permit parking only of the residential area adjacent to the Pacific Coast Producers Cannery on South Stockton Street, Lodi, California.

The matter was introduced by Staff who presented diagrams of the subject area and responded to questions as were posed by Council.

The following persons spoke in favor of permit parking in the subject area:

- a) Mr. Ben Kauk, 209 Maple Street, Lodi
- b) Ms. Inez Villa, 817 S. Washington Street, Lodi
- c) Mr. Albert Castro, 206 Maple Street, Lodi
- d) Pastor Loren G. Stacy, Church of God-Seventh Day, 245 E. Vine Street, Lodi
- e) Mrs. Darrell Mueller, 412 N. Ham Lane, Lodi, owner of property at 735 - 731 S. Washington Street, Lodi
- f) Mr. Dale Baumbach, 1453 W. Tokay Street, Lodi, owner of property at 814 S. Washington Street, Lodi

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- g) Mrs. Arnold Schnaible, 728 S. Washington Street, Lodi

No persons were in the audience wishing to speak in opposition to permit parking in the subject area.

Mr. Mike Bradley, Executive Manager of the Lodi District Chamber of Commerce, addressed the Council regarding the various actions that had been taken by Pacific Coast Producers over the years in attempting to alleviate parking problems in the area of their facility.

There being no other persons in the audience wishing to speak on the matter the public portion of the hearing was closed.

Council Member Pinkerton proposed various alternatives that could be implemented to remedy the present parking and traffic problems which included amendments to the present ordinance; limited time parking alternatives; a combination of limited time parking and permit parking.

Council Member Pinkerton proposed a permit parking fee of \$1.00 for three years; suggested police department monitoring of the subject area; and proposed that the restrictions be implemented for the yearly 9 month period that the cannery is in operation.

A lengthy discussion followed with questions being directed to those who had given testimony and to Staff. The following alternatives were recapped as possible solutions to the situation:

- 1) No parking for 1 hour
 - a) 2 times/day
 - b) 3 times/day
- 2) 1 hour time limit during 2 hour period
 - a) 2 times/day
 - b) 3 times/day
- 3) Resident Permit plus no parking as set forth in item 1 above
- 4) Resident Permit plus limited parking as set forth in item 2 above.
- 5) Permit Parking with one guest pass per resident
- 6) 2 hour time limit - all day or some portion of day

Additional discussion followed.

On motion of Council Member Snider, Olson second, Council directed Staff to bring back to Council, at the 2nd Council meeting in October, a written report detailing the various proposed solutions and alternates discussed at this meeting and included in testimony received at the Public Hearing regarding this matter.

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RECESS

Mayor Hinchman declared a five-minute recess, and the meeting reconvened at approximate 9:20 pm.

PUBLIC HEARING
TO CONSIDER APPEAL
OF MR. RONALD W. BUCK,
233 SOUTH ORANGE
STREET, LODI, RE
REZONING OF PARCEL

10534
Notice thereof having been published in accordance with the law and affidavit of the subject publication being on file in the Office of the City Clerk, Mayor Hinchman called for the Public Hearing to consider the appeal of Mr. Ronald W. Buck, 233 S. Orange Street, Lodi, of the Planning Commission's denial of his General Plan Amendment request and rezoning request pertaining to 233 S. Orange Avenue, Lodi, California.

The matter was introduced by Community Development Director Schroeder who presented diagrams of the subject area and responded to questions as were posed by the Council.

The following persons spoke on behalf of the appeal:

- 1) Mr. Ronald Buck, 233 S. Orange Avenue, Lodi
- 2) Mrs. June Buck, 2453 W. Elm Street, Lodi
- 3) Mrs. Colleen Ward, 234 S. Crescent, Lodi
- 4) Mr. Bob Wood, 8 North Orange, Lodi
- 5) Mr. William Stanley, 2453 W. Elm Street, Lodi

The following persons spoke in opposition to the appeal:

- 1) Mr. Homer Siewert, 220 S. Orange Avenue, Lodi,
- 2) Mrs. Joyce Siewert, 220 S. Orange Avenue, Lodi

There being no other persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

A very lengthy discussion followed with questions being directed to persons who had given testimony and to Staff. The discussion also included the proposed rezoning of an undefined area neighboring 233 S. Orange Street, Lodi.

On motion of Mayor Pro Tempore Reid, Hinchman second, Council denied the appeal of Mr. Ronald W. Buck of the Planning Commission's denial of his General Plan Amendment request and rezoning request pertaining to 233 South Orange Avenue, Lodi. Further, Council directed that the rezoning of this area be a matter of discussion at the joint meeting of the Lodi City Council and Planning Commission to be held September 17, 1985.

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PUBLIC HEARING TO
CONSIDER APPEAL OF
MR. MICHAEL BUTTERWORTH,
207 FIRST STREET, LODI,
OF THE PLANNING
COMMISSION'S DENIAL
OF HIS REQUEST FOR A
ZONING VARIANCE

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Hinchman called for the Public Hearing to consider the appeal of Mr. Michael Butterworth, 207 First Street, Lodi, of the Planning Commission's denial of his request for a zoning variance to reduce the required lot size at 207 First Street, Lodi (Parcel "B").

The matter was introduced by Community Development Director Schroeder who presented diagrams of the subject area and responded to questions as were posed by Council.

Mr. Butterworth spoke on behalf of his appeal and responded to questions regarding the matter as were posed by Council.

There being no other persons in the audience wishing to speak on the matter the public portion of the hearing was closed.

On motion of Mayor Pro Tempore Reid, Olson second, Council granted the variance based on a hardship in that the subject parcel had been inaccurately surveyed many years ago and that existing maps were in error and with the condition that the zoning variance be granted for duplex construction only.

PLANNING COMMISSION City Manager Peterson presented the following
REPORT Planning Commission Report of the Planning
Commission Meeting of August 26, 1985:

The Planning Commission -

ITEMS SET FOR
PUBLIC HEARING

- 1) Recommended that the City Council certify as adequate, the Final Environmental Impact Report for Maggio Industrial Park, a proposed 37.6 acre industrial project at the northwest corner of South Stockton Street and Harney Lane.
- 2) Recommended Maggio Industrial Park, a proposed 37.6 acre industrial project at the northwest corner of South Stockton Street and Harney Lane be rezoned to M-2, Heavy Industrial.
- 3) Recommended that the City Council certify as adequate, the Final Environmental Impact Report for Taves Park, a proposed 23.6 acre residential, institutional and commercial project at the southeast corner of West Kettleman Lane and Lower Sacramento Road.

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- 4) Recommended that Taves Park, a proposed 23.6 acre residential, institutional and commercial project be rezoned R-2, Single-Family Residential; R-C-P, Residential-Commercial-Professional; and C-S, Commercial Shopping shown as Alternate "B" in the Final Environmental Impact Report for the proposed project.
- 5) Recommended that the City Council certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the request of Kristen Cronwell to prezone a 2+ acre parcel at the northwest corner of Turner Road and Lilac Street to C-1, Neighborhood Commercial to accommodate a bed and breakfast inn and restaurant.
- 6) Recommended the approval of the request of Kristen Cronwell to prezone a 2+ acre parcel at the northwest corner of Turner Road and Lilac Street to C-1, Neighborhood Commercial to accommodate a bed and breakfast inn and restaurant.

On motion of Council Member Olson, Reid second, Council set items 1 through 6 heretofore set forth for Public Hearing at the Regular Council Meeting of September 18, 1985.

ITEMS OF INTEREST The Planning Commission also -

- 1) Conditionally approved the request of Patrick Matthews for a Revised Tentative Subdivision Map of Whispering Oaks, Unit #2, a 93-lot single-family development located on the north side of Century Boulevard, East of South Mills Avenue in an area zoned P-D (24), Planned Development District No. 24.
2. Conditionally approved the request of Baumbach and Piazza, Consulting Engineers, on behalf of John Teresi, for a Tentative Parcel Map to divide the property on the west side of Guild Avenue between East Victor Road and East Pine Street into two parts with Parcel "A" containing 3 acres and Parcel "B" containing 11.3 acres in an area zoned M-2, Heavy Industrial.

Certified the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.

3. Conditionally approved the request of Dillon Engineering on behalf of Anthony Canton (H-C Investments) for a Tentative Parcel Map to combine two parcels located at 541 West Kettleman Lane and 601 West Kettleman Lane into one parcel in an area zoned R-C-P, Residential-Commercial-Professional.

Certified the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.

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4. Conditionally approved the request of Baumbach and Piazza, Consulting Engineers on behalf of Bennett and Compton, Inc., for a Tentative Parcel Map to resubdivide 3 existing parcels located at the southwest corners of West Turner Road and Rutledge Drive in an area zoned P-D (1), Planned Development District No. 1.
5. Conditionally approved the request of Fred Baker on behalf of Dwight and Edward Filley for a Tentative Parcel map to create Parcels "A", "B", "C", and "D" at 2379 West Vine Street in an area zoned R-C-P, Residential-Commercial-Professional.
6. Conditionally approved the request of Baumbach and Piazza Consulting Engineers, on behalf of Ted Molfino for a Tentative Parcel Map to create 2 lots at the northwest corner of Guild Avenue and East Pine Street with Parcel "A" containing 1.3 acres and Parcel "B" containing 1.7 acres in an area zoned M-2, Heavy Industrial.
7. Conditionally approved the request of La Petite Academy on behalf of the Luckey Company for a Use Permit to construct a preschool/child care center for approximately 175 children at 1910 West Kettleman Lane (i.e. southeast corner of South Mills Avenue and West Kettleman Lane) in an area zoned P-D (21),
8. Took no action on the referral by the San Joaquin County Planning Commission of the request of CALVA Products, Inc., on behalf of Jim Cook, to reclassify 21.91 acres from GA-20, General Agriculture - 20 acre minimum to EA/AP, Exclusive Agriculture/Agriultral Products, on the west side of State Route 99, approximately one-half mile north of the Mokelumne River. Planned Development District No. 21.

COMMUNICATIONS
(City Clerk)

City Clerk Reimche presented the following application for Alcoholic Beverage License which had been received:

ABC LICENSE
APPLICATION

- a) Denise C. Logsdon
Pioneer Club
8 South Main Street, Lodi
On Sale Beer and Wine
Public Premises.

PETITION RECEIVED
REQUESTING PERMIT
PARKING ON LODI
AVENUE

City Clerk Reimche presented a petition which had been received requesting permit parking on East Lodi Avenue in the area of the A & W Family Restaurant.

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On motion of Council Member Snider, Olson second, Council set the matter for public hearing at the Regular Council meeting of October 2, 1985.

COMMENTS BY CITY
COUNCIL MEMBERS

JOINT MEMBERS WITH VARIOUS BOARDS AND COMMISSIONS BEING PLANNED At the request of Council Member Snider, City Manager Peterson reviewed with the Council the tentative calendar for joint meetings being planned with the Lodi Unified School District Board of Trustees, the Planning Commission, and the Recreation Commission.

BACTERIA COUNT
AT LODI LAKE

Following an inquiry by Mayor Pro Tempore Reid, City Manager Peterson briefed the Council on updated information he had received regarding the bacteria count at Lodi Lake.

SENIOR CITIZENS
ACTIVITIES BEING
PLANNED FOR HUTCHINS
STREET SQUARE

Following an inquiry by Mayor Pro Tempore Reid and Council discussion regarding the subject, the City Manager was directed to bring back to Council at the next meeting the scope of senior activities being planned for the Hutchins Street Square Complex including a staffing plan.

CONCERNS EXPRESSED
REGARDING THE LODI
LAKE WILDERNESS
AREA

Following introduction of the matter by Mayor Hinchman, City Manager Peterson updated the Council regarding the signing of the Lodi Lake Wilderness Area.

CITY-WIDE SPEED
LIMITS DISCUSSED

Mayor Hinchman expressed his concern that the entire City be posted for a speed limit not exceeding 25 mph. Council discussion followed with questions being directed to Staff. No formal action regarding the matter was taken by the Council at this time.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

There were no persons in the audience wishing to speak under this segment of the agenda.

REPORTS OF THE
CITY MANAGER

REGULAR CALENDAR

CITY MANAGER
EMPLOYMENT
AGREEMENT

City Manager Peterson presented for Council review a proposed employment agreement which sets forth certain terms and conditions of employment of the City Manager.

RES. NO. 85-120

Following discussion, on motion of Council Member Pinkerton, Snider second, Council adopted Resolution No. 85-120 approving an Agreement concerning the employment of the City Manager and authorizing the Mayor and City Clerk to execute the subject Agreement on behalf of the City.

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Further, City Manager Peterson was directed to formulate a policy statement for the Council which would allow for annual performance evaluations and review by the City Council of the City Manager, City Attorney, and City Clerk. Council also requested that the policy statement include Council's authority to request from the City Manager the performance evaluations of Department Heads as prepared by the City Manager.

AWARD - TURF MOWER
FOR PARKS DEPARTMENT

City Manager Peterson presented the following bids which had been received for a Turf Mower for the Parks Department:

BIDDER	AMOUNT
H. V. Carter Co., Inc.	\$29,983.60
Golden Bear Equipment Company	\$42,394.70

RES. NO. 85-121 Following recommendation of the City Manager on motion of Mayor Pro Tempore Reid, Snider second, Council adopted Resolution No. 85-121 awarding the bid for a Turf Mower for the Parks Department to H. V. Carter Company, Inc., the low bidder, in the amount of \$29,983.60 and appropriated \$30,000 from the Equipment Fund for the purchase of this equipment.

ITEMS REMOVED
FROM AGENDA

With the tacit concurrence of the Council, the following items were removed from the Agenda:

- 1) Award - Bid for purchase of 15-KV XLPE Cable
- 2) Award - Bid for purchase of 600-volt, Triplex XLPE Cable

ACQUISITION OF
EASEMENT - SHOPPING
CENTER - LODI AVENUE
(IN AREA OF ROSE STREET)

The following letter, which had been received from Glen I. Baumbach, was presented for Council's perusal together with a Staff report concerning the matter:

"As you know we are in the process of redeveloping the Dr. Bader shopping complex on Lodi Avenue. As a part of this process we are requested to extend a water line westerly to connect to the line in Crescent Avenue. We have been unable to secure an easement through Mr. John M. Bastianelli's property immediately to the west of our development. We request the City of Lodi help us secure an easement over the Bastianelli parcel."

Council discussion followed with questions being directed to Staff.

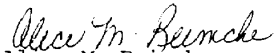
On motion of Council Member Pinkerton, Snider second, Council authorized the commencing of procedures to acquire the subject easement.

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ADJOURNMENT

There being no further business to come before the Council Mayor Hinchman adjourned the meeting at approximately 11:25 p.m.

ATTEST:


Alice M. Reimche
City Clerk